

Gerald C. Conley (Texas Bar No. 04664200) (Space Below Reserved For Filing Stamp Only)

Admitted Pro Hac Vice

Tonya M. Gray, (Texas Bar No. 24012726)

Admitted Pro Hac Vice

ANDREWS KURTH LLP

1717 Main Street, Suite 3700

Dallas, Texas 75201

Telephone: 214.659.4400

Facsimile: 214.659.4401

geraldconley@andrewskurth.com

tonyagray@andrewskurth.com

RALPH W. TARR, State Bar No. 072893

ANDREWS KURTH LLP

601 South Figueroa, Suite 3700

Los Angeles, California 90017

Telephone: 213.896.3100

Facsimile: 213.896.3137

rtarr@andrewskurth.com

Attorneys for Defendant

GREGG YOUNG

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

PROSPER MARKETPLACE, INC. a
Delaware corporation,

Plaintiff,

v.

GREGG YOUNG, an individual d/b/a
FIDELITY INDEMNITY CAPITAL
CORP.; and DOES 1 THROUGH 9,

Defendants.

Case No. C 06 3031 CW

The Honorable Judge Claudia Wilken

**ORDER ON STIPULATION FOR
WITHDRAWAL OF YOUNG'S
MOTION TO DISMISS AND STAY
OF PROCEEDINGS PURSUANT TO
PARTIES' SETTLEMENT AS
MODIFIED**

Pursuant to the Stipulation of the Parties, and good cause having been shown,
IT IS ORDERED, ADJUDGED AND DECREED that the Motion to Dismiss
filed by Defendant, Gregg Young ("Young") is deemed withdrawn. No further
briefing shall be done in connection with the now withdrawn Motion to Dismiss.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all matters
in this action shall be stayed until December 15, 2006. The previously continued
case management conference shall be continued until **January 5, 2007, at 1:30 p.m.**
Plaintiff, Prosper Marketplace, Inc., shall dismiss this action with prejudice on or
before December 15, 2006 unless Mr. Young fails to perform his obligations under
the settlement, in which event, Mr. Young shall file an answer with the Court on or
before December 15, 2006.

DATED: October 11, 2006.



THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

ANDREWS KURTH LLP

By: _____
Ralph W. Tarr
Attorneys for Defendant
GREGG YOUNG